

The expanding COVID-19 pandemic has highlighted the importance of ensuring that Americans can connect to the internet, especially as they turn to telemedicine, telecommuting and distance learning in response to the social distancing policies that federal, state and local governments have implemented across the US.

In light of this surge in demand for broadband connectivity, Congress and the Federal Communications Commission (FCC) have been active in adopting measures to help Americans stay connected. Our Communications Practice Group has been keeping track of this activity, along with proposals from industry stakeholders and government officials.

This alert synthesizes current events and emerging discussions regarding federal efforts to support communications and connectivity amid the COVID-19 pandemic as to four critical aspects: (1) consumer access to telecommunications and broadband services; (2) healthcare and telemedicine; (3) education; and (4) telecommunications and broadband infrastructure. We will update this document based on further developments.

Consumer Access to Telecommunications and Broadband Services

Keep Americans Connected Pledge

On March 13, 2020, the FCC [announced](#) that numerous telecommunications and broadband providers in the US had accepted the "Keep Americans Connected Pledge." These providers committed themselves to (1) not terminating service to any residential or small business customer for 60 days if they are unable to pay their bills due to the disruptions caused by the COVID-19 pandemic; (2) waiving any late fees that residential or small business customers may incur if they are unable to pay their bills on time due to the disruptions caused by the COVID-19 pandemic; and (3) opening their Wi-Fi hotspots to any user who needs them.

- The FCC [announced](#) that, as of March 25, 2020, more than 500 providers had taken the Keep Americans Connected Pledge. The FCC's chairman also commended providers that "have gone even further, offering things like free service for low-income Americans and students, the easing of data caps, and increasing broadband speeds at no cost."
- On March 13, 2020, Commissioner Jessica Rosenworcel issued a [statement](#) urging the FCC to expand the Keep America Connected Pledge to eliminating data caps and overage fees.

Lifeline

Lifeline is a federal program that provides discounts to qualifying low-income consumers on voice and broadband services. The program is part of the Universal Service Fund and it is administered by the Universal Service Administrative Company (USAC). Consumers interested in participating in the Lifeline program must prove their eligibility when enrolling by either submitting proof of income or demonstrating that they participate in qualifying programs. Only one discount is allowed per household for either fixed service or mobile service, and voice and broadband bundled plans are eligible for the discount. Providers verify the eligibility of enrolled consumers annually.

- On March 30, 2020, the FCC issued an [order](#) waiving the requirement to de-enroll any Lifeline subscriber whom the Lifeline provider reasonably believes is no longer eligible for the program.
- On March 27, 2020, USTelecom [asked](#) the FCC to adopt temporary changes to the Lifeline program, including relaxing the one discount per household rule to allow support for at least one fixed and one mobile broadband per household; establishing an "emergency" Lifeline program that could support a discount of up to US\$25 per connection per month; and expanding eligibility of this emergency program to consumers who are unemployed as a result of the COVID-19 pandemic.
- On March 17, 2020, the FCC issued an [order](#) waiving for 60 days the requirement to recertify and reverify subscribers and the requirement that all eligible telecommunications carriers (ETCs) register with USAC.

Healthcare and Telemedicine

FCC's Rural Health Care Program

The Rural Health Care Program (RHCP) provides funding to qualifying healthcare providers to access critical telecommunications and broadband services. Eligible healthcare providers include public and nonprofit healthcare entities, such as teaching hospitals and medical schools, local health agencies, community mental health centers, hospitals and rural health clinics. RHCP has two components: the Healthcare Connect Fund Program, which provides discounts on telecommunications and broadband services, and the Telecommunications Program, which offers subsidies for rural healthcare providers.

- On March 27, 2020, USTelecom [asked](#) the FCC to open a new application filing window and waive competitive bidding requirements for rural healthcare support under RHCP.
- On March 26, 2020, the FCC issued an [order](#) that (1) extended the application filing window for RHCP until June 30, 2020; (2) eased competitive bidding requirements for healthcare providers with expiring evergreen contracts; and (3) extended various deadlines, including deadlines to respond to inquiries from USAC.

- On March 18, 2020, the FCC issued an [order](#) exempting participants in RHCP from rules prohibiting qualifying entities from accepting any gifts or other things of value from a telecommunications or broadband service provider. The FCC took this action to allow service providers to offer qualifying entities, and to allow these entities to accept, “improved capacity, Wi-Fi hotspots, networking gear, or other things of value” that assist qualifying entities during the COVID-19 pandemic.
- On March 13, 2020, the FCC issued an [order](#) that made available an additional US\$42.19 million in funding to RHCP.

Other Initiatives

- The CARES Act, which was [enacted](#) on March 27, 2020, gives an additional US\$25 million to the Rural Utilities Service (RUS) of the Department of Agriculture for its Distance Learning, Telemedicine, and Broadband Program, which offers funding to entities in rural areas that use telecommunications and broadband services to provide healthcare services.
- The CARES Act also gives US\$200 million to the FCC to “support efforts of health care providers to address coronavirus by providing telecommunications services, information services, and devices necessary to enable the provision of telehealth services.” The FCC’s chairman explained that this appropriation would fund the telehealth connectivity pilot program that the FCC had [proposed](#) in July 2019.

Education

E-Rate

E-Rate is a federal program that provides funding to help eligible schools and libraries obtain affordable access to broadband. The program has two basic components, offering discounts on (1) broadband access services and (2) equipment for connecting schools and libraries to broadband.

- On March 27, 2020, USTelecom [asked](#) the FCC, among other things, to (1) open an emergency funding request window to provide additional E-Rate support; (2) waive certain competitive bidding requirements to allow schools and libraries faster access to emergency funds; (3) allow schools to apply for funding to purchase wired or wireless broadband connectivity on behalf of students and/or teachers that do not have access to broadband; and (4) consider whether it has the authority to support the purchase of devices for teachers and students.
- Although the CARES Act did not provide additional funds for E-Rate, House Commerce Committee Chairman Frank Pallone (D-N.J.) has [indicated](#) that he intends to push for US\$2 billion in funding for E-Rate in future legislation.
- On March 23, 2020, the FCC’s Wireline Competition Bureau [reminded](#) schools and libraries that are closed due to the COVID-19 pandemic that they are permitted to allow the general public to use Wi-Fi networks supported by the E-Rate program while on the school’s campus or library property.

- On March 18, 2020, the FCC issued an [order](#) exempting participants in the E-Rate program from rules prohibiting participants from accepting any gifts or other things of value from a telecommunications or broadband service provider. The FCC took this action to allow service providers to offer schools and libraries, and to allow schools and libraries to accept, “improved capacity, Wi-Fi hotspots, networking gear, or other things of value” that assist qualifying entities during the COVID-19 pandemic.
- On March 17, 2020, FCC Commissioner Jessica Rosenworcel [proposed](#) that the FCC use the E-Rate program to allow schools with Wi-Fi hotspots to loan them to students who lack reliable internet access at home.

Other Initiatives

- The CARES Act gives an additional US\$25 million to the Rural Utilities Service (RUS) of the Department of Agriculture for the Distance Learning, Telemedicine, and Broadband Program, which offers funding to entities in rural areas that use telecommunications and broadband services to provide education and healthcare services.
- On March 12, 2020, FCC Commissioner Jessica Rosenworcel issued a [statement](#) urging the FCC to “identify how it can use its authority to provide wi-fi hotspots temporarily to students whose schools have closed their doors.”

Telecommunications and Broadband Infrastructure

Connect America Fund

The Connect America Fund (CAF) is a program under the Universal Service Fund designed to expand access to voice and broadband services in areas where these services are not available or that are underserved. Under the current phase of the program, providers of voice and broadband services receive funding to subsidize the building of new telecommunications infrastructure and/or upgrade existing facilities.

- On March 27, 2020, USTelecom [asked](#) the FCC, among other things, to (1) authorize a one-time infusion of funds to support efforts by providers to augment existing infrastructure to support the surge in demand; (2) allow providers to receive an advance payment of future high-cost support that they are eligible to receive; and (3) waive certain performance and deployment requirements under the Connect America Fund.

Other Programs and Initiatives

- The CARES Act gives the Rural Utilities Service (RUS) of the Department of Agriculture an additional US\$100 million for the ReConnect program, which offers loans and grants to cover the costs of construction, improvement or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas.

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